

FILED
HARRISBURG, PA

DEC 10 2007

MARY E. D'ANDREA, CLERK
Per MDA
Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL NO.1:01-CR-00058-002
	:	
v.	:	(Judge Caldwell)
	:	
FREDERICK E. SAXTON,	:	
Defendant	:	(Filed electronically)

MOTION TO MODIFY
CRIMINAL JUDGMENT

AND NOW, comes The Pennsylvania Counties Risk Pool, a/k/a Pennsylvania County's Risk Pool ("PCoRP"), the movant and a restitution payee, by its undersigned attorney, R. James Reynolds, Jr., Esquire, and files this Motion to Modify the Criminal Judgment entered against Defendant Frederick E. Saxton ("Defendant"), averring the following in support thereof:

1. On January 18, 2002, a Judgment in a Criminal Case ("Criminal Judgment") was imposed against Defendant by the Honorable William W. Caldwell, United States District Judge, and filed with the Court in the above-captioned case.
2. The Criminal Judgment, inter alia, provides for criminal monetary penalties, including the making of restitution by Defendant.

3. The Criminal Judgment provides that restitution is to be paid by Defendant, jointly and severally with his wife, Sue Ellen Saxton (the defendant in the case docketed in this Court at No. 1:CR-01-00058-001), through the Clerk of Court, to PCoRP in the amount of \$600,000.00, to Mifflin County in the amount of \$373,263.90, and to Fidelity and Deposit Company's Claim Division in the amount of \$22,667.00, totaling \$995,930.90.

4. The Criminal Judgment provides that the restitution payments to PCoRP are to be made, c/o its undersigned attorney, R. James Reynolds, Jr., at Suite 500, 212 Locust Street, Post Office Box 9500, Harrisburg, PA 17108-9500.

5. Defendant has made and continues to make restitution payments to the Clerk of Court which, in turn, has distributed, and continues to distribute, restitution payments to PCoRP, c/o the undersigned, as provided in the Criminal Judgment.

6. PCoRP, an insurer of Mifflin County, and Mifflin County have agreed that all future restitution payments due to PCoRP pursuant to the Criminal Judgment shall be paid, through the Clerk of Court, to Mifflin County, 20 North Wayne Street, Lewistown, PA 17044, rather than to PCoRP.

7. Accordingly, PCoRP requests that the Court enter an Order modifying the Criminal Judgment to provide that all future restitution payments due to PCoRP be paid, through the Clerk of Court, to Mifflin County, 20 North Wayne Street, Lewistown, PA 17044.

8. The undersigned attorney for PCoRP has sought concurrence in this Motion from the United States of America, a party, Defendant, a party, and Mifflin County, a restitution payee, who concur in and/or have no objection to the Motion, as set forth in the Certificate of Concurrence/No Objection attached hereto.

WHEREFORE, The Pennsylvania Counties Risk Pool, a/k/a Pennsylvania County's Risk Pool, respectfully requests that the Court enter an Order modifying the Criminal Judgment filed on January 18, 2002 to provide that all future restitution payments due to The Pennsylvania Counties Risk Pool a/k/a Pennsylvania County's Risk Pool, be paid, through the Clerk of Court, to Mifflin County, 20 North Wayne Street, Lewistown, PA 17044.

Date: December 10, 2007

/s/ R. James Reynolds, Jr.

R. James Reynolds, Jr.
PA Attorney I.D. No. 10252

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Attorney for The Pennsylvania Counties
Risk Pool, a/k/a Pennsylvania County's
Risk Pool, the movant and a restitution
Payee

Certificate of Concurrence / No Objection

The undersigned attorney for PCoRP, the movant, has sought concurrence in the foregoing Motion to Modify Criminal Judgment from the United States of America, a party, Defendant, a party, and Mifflin County, a restitution payee. George J. Rocktashel, Esquire, the attorney of record for the United States of America, and Marc F. Lovecchio, Esquire, the attorney of record for Defendant, have advised the undersigned that they have no objection to the Motion on behalf of their respective clients. Patricia A. Gardner, Esquire, the Solicitor for Mifflin County, has advised the undersigned that she concurs in the Motion on behalf of Mifflin County.

Date: December 10, 2007

/s/ R. James Reynolds, Jr.

R. James Reynolds, Jr.
PA Attorney I.D. No. 10252

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PROOF OF SERVICE

I, R. James Reynolds, Jr., Esquire, hereby certify that on the 10th day of December, 2007, a true and correct copy of the foregoing Motion to Modify Criminal Judgment was served by the Court's Electronic Filing System upon:

George J. Rocktashel, Esquire
U.S. Attorney's Office
Federal Building
240 West Third Street
Suite 316
Williamsport, Pennsylvania 17701
Telephone: 570-326-1935
Email: George.Rocktashel@usdoj.gov

(Attorney for United States of America)

and was served by first class mail upon:

Patricia A. Gardner, Esquire
Mifflin County Courthouse
20 North Wayne Street
Lewistown, Pennsylvania 17044
Telephone: 717-248-6733

(Attorney for Mifflin County)

Marc F. Lovecchio, Esquire
Campana, Lovecchio, and Morrone
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Williamsport, Pennsylvania 17701
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Email: ccla1@comcast.net

(Attorney for Defendant)

/s/ R. James Reynolds, Jr.

R. James Reynolds, Jr.
PA Attorney I.D. No. 10252

Attorney for The Pennsylvania Counties
Risk Pool, a/k/a Pennsylvania County's
Risk Pool, the movant and a restitution
Payee